

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CODY PEPPER ET AL.,

Plaintiffs,

21-cv-6581 (JGK)

- against -

ORDER

FLUENT INC. ET AL.,

Defendants.


JOHN G. KOELTL, District Judge:

As discussed on the record at the conference held today, the Court cannot decide the motion to compel arbitration on the current record. Accordingly, the Court will hold an evidentiary hearing on the question of whether there was an agreement to arbitrate between the defendants and plaintiffs Terri Pepper and Julius Bryant. The evidentiary hearing will be held on October 11, 2022, at 10:00 a.m. in Courtroom 14A, 500 Pearl Street, New York, NY. The plaintiffs' request to conduct limited discovery with respect to this issue is **granted** and the case is **stayed** pending the resolution of the motion to compel arbitration. The parties may take expedited discovery over the next 60 days on the issue of whether the plaintiffs Terri Pepper and Julius agreed to arbitrate. The motion to dismiss is **denied** as to plaintiffs Cody Pepper, Kimberly Hudson, DeMya Johnson, and Allison Powers.

The Clerk is directed to close all pending motions.

SO ORDERED.

Dated: New York, New York
August 9, 2022



John G. Koeltl
United States District Judge